



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

TRG

Docket No: 101-00

1 November 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 31 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by Headquarters Marine Corps, copies of which are enclosed.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection the Board substantially concurred with the comments contained in the advisory opinions.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1040

MMER/RE

11 JUL 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF FORMER [REDACTED]

1. Mr. [REDACTED] record has been reviewed and it has been determined that at the time of separation he was incorrectly assigned an RE-1A reenlistment code which indicates that he was both recommended and eligible for reenlistment. Mr. [REDACTED] was in fact, ineligible for reenlistment based on the following: (1) significantly over service limitations for a Marine of his grade (E-4) at the time of separation, (2) page eleven (11) counseling entry documenting poor attitude, immaturity, lack of loyalty to the unit and the Marine Corps, lack of initiative and cooperation, (3) Summary Court-Martial of 22 August 1989 for violation of Articles 92 and 134 of the Uniform Code of Military Justice for offenses which included dereliction of duty and wrongfully having sexual intercourse with a woman not his wife, and (4) Relief for Cause in October 1989 for recruiter malpractice.

2. [REDACTED] should have been assigned a reenlistment code of RE-3C which means that he was not eligible for reenlistment and the disqualifying factor is not covered by any other code. The decision to assign him a RE-3C is based on regulations governing the assignment of reenlistment codes and a review of his entire service record.

3. The appropriate correction to [REDACTED] DD Form 214 is being made and will be forwarded to him under separate correspondence. If after thirty days, he has not received a DD Form 215 correcting his reenlistment code as stated above, he should contact the Commandant of the Marine Corps (MMSB-10) to determine the status of the correction.

4. I trust the foregoing will satisfactorily answer Mr. [REDACTED] inquiry.

[REDACTED]
Head, Performance Evaluation
Review Branch
Personnel Management Division
By direction of the Commandant
of the Marine Corps



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1001/1

MMEA-6

28 JUN 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR DOCKET NO. 00101-00 CASE OF FORMER [REDACTED]
[REDACTED]

Encl: (1) MMSR-6J memo dated 7 Jun 00

1. After reviewing [REDACTED] case, we recommend his request for separation pay be denied.

2. Per the enclosure and review of [REDACTED] record, [REDACTED] voluntarily separated from the Marine Corps at his expiration of active service. Involuntary separation pay consideration is only for those Marines denied reenlistment by this headquarters. Since, [REDACTED] record does not indicate a request for retention, he was never denied reenlistment and therefore does not rate separation pay.

3. Point of contact is Staff Sergeant [REDACTED], DSN 278-9235.

[REDACTED]
[REDACTED]
[REDACTED]
BY DIRECTION



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1760
MMSR-6J
7 Jun 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF FORMER [REDACTED]
[REDACTED] USMC

Ref: (a) MMER Route Sheet of 24May00, Docket No. 0101-00

1. Reference (a) requests an advisory opinion on [REDACTED] petition to correct his record with regard to the separation code assigned when he was discharged from the Marine Corps.

2. [REDACTED] was discharged from the Marine Corps on 16 June 1991. The assigned separation code is "KBK1 - Completion of Required Active Service." There is no record of a request for retention in the Marine Corps from [REDACTED]. He was, therefore, voluntarily separated and not eligible for separation pay. [REDACTED] discharge was conducted by proper authority in accordance with current regulations and no correction of his record is warranted.

[REDACTED]
Head, Separation and
Retirement Branch
By direction of the Commandant
of the Marine Corps